

BEST AVAILABLE COPY**MARSH FISCHMANN & BREYFOGLE LLP**
Attorneys at Law

3151 S. Vaughn Way, Suite 411
Aurora, Colorado 80014
Telephone (303) 338-0997 • Facsimile (303) 338-1514

RECEIVED
CENTRAL FAX CENTER
FEB 08 2006

Date: February 8, 2006
To: U.S. Patent and Trademark Office
Attention: Certificate of Correction
Facsimile No.: 1-571-273-8300
Verification No.: 1-703-305-8309
Client No.: 50012-00004
From: Valerie L. Perry
Message:

Number of pages following this cover sheet: 50

If you need a confirmation or any of the pages sent again, please call our office at the following number:
303-338-0997. SENT BY: Valerie

CONFIDENTIALITY NOTE: The information contained in this facsimile transmittal sheet and document(s) that follow are for the exclusive use of the addressee and may contain confidential, privileged and non-disclosable information. If the recipient of this facsimile is not the addressee, or a person responsible for delivering this facsimile to the addressee, such recipient is strictly prohibited from reading, photocopying, distributing or otherwise using this facsimile transmission, or its contents, in any way. If the recipient has received this facsimile transmission in error, please call us immediately and return the facsimile transmission to us via the United States Postal Service. Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

RECEIVED
CENTRAL FAX CENTER

FEB 08 2006

In Re the Patent of:

BALDWIN et al.

Patent No.: 6,813,868 B2

Issued: November 9, 2004

Confirmation No.: 6430

Atty. File No.: 50012-00004

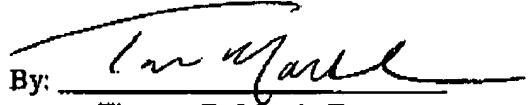
For: "METHOD, SYSTEM, AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND CAPPING
SYRINGES"Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

In reviewing our file, we note that a Certificate of Correction has not been received in connection with the Request for Certificate of Correction of Patent for PTO Mistake which was mailed on December 2, 2004, and the Supplemental Request for Certificate of Correction of Patent for PTO Mistake which was mailed on February 25, 2005. Enclosed please find a copy of the Request for Certificate of Correction of Patent for PTO Mistake and the postcard received from the U.S. Patent and Trademark Office confirming receipt of the Request for Certificate of Correction as well as a copy of the Supplemental Request for Certificate of Correction of Patent for PTO Mistake and the postcard received from the U.S. Patent and Trademark Office confirming receipt of the Supplemental Request for Certificate of Correction. Applicant respectfully requests a status update with regard to the above-identified patent.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh, Esq.

Registration No. 31,039

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

Telephone: 303-338-0997

Facsimile: 303-338-1514

Date: February 8, 2006

Page 1 of 1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

FEB 08 2006

In Re the Patent of:

BALDWIN et al.

Patent No.: 6,813,868 B2

Issued: November 9, 2004

Confirmation No.: 6430

Atty. File No.: 50012-00004

For: "METHOD, SYSTEM, AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND CAPPING
SYRINGES"REQUEST FOR CERTIFICATE OF
CORRECTION OF PATENT FOR
PTO MISTAKE
(37 C.F.R. 1.322(a))

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS COMMUNICATION IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, IN AN ENVELOPE
ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450 ON February 14, 2006.

MARSH FISCHMANN & BREYFOGLE LLP

BY: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for a Certificate of Correction for PTO mistake under 37 C.F.R. 1.322(a). Attached in duplicate is form PTO 1050. The errors in the patent are obvious typographical errors or omissions and the correct wording can be found in the Correction of Inventorship having a mailing date of February 14, 2003, the Correction of Inventorship having a mailing date of August 26, 2003, the Notice of Allowability having a mailing date of April 8, 2004, at Page 2, lines 17-21, and Page 3, lines 2-6, or the Amendment and Response having a mailing date of February 17, 2004, at Page 5, line 11.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: Thomas R. Marsh

Thomas R. Marsh, Esq.
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: December 2, 2004

Page 1 of 1

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,813,868 B2
DATED : November 9, 2004
INVENTOR(S): BALDWIN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Title Page

Line (75), delete "Robert Eugene Mancuso, II, Elizabeth, CO (US); Jon Paul Page, Broomfield, CO (US), and insert therefor --Jason Conrad Morton, Littleton, CO (US)--.

Column 17

Line 62, after "removably", insert --and replacably--;

Line 64, after "cap", insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel--.

Column 19

Line 27, after the second occurrence of "end", insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange--;

Line 29, after "and", delete --,--;

Line 33, after "and", insert --wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--.

MAILING ADDRESS OF SENDER:

Thomas R. Marsh, Esq.

Registration No. 31,039

MARSH FISCHMANN & BREYFOGLE LLP

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

303-338-0997

PATENT NO. 6,813,868 B2

FORM PTO-1050

Attorney: TRM/vlp

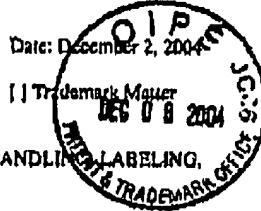
Date: December 3, 2004

PTO Stamp indicates receipt of: Patent Matter Trademark Matter
Application Docket No.: 50012-00004
Applicant: BALDWIN et al.
Title or Mark: METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING,
FILLING AND CAPPING SYRINGES
Serial/Reg. No.: 6,813,868 B2
Filed/Issued Date: November 9, 2004 No. of Pages in Specification
 Certificate of Mailing No. of Pages in Claims
 Express Mail No.: No. of Pages in Abstract
 Check for \$ No. of Sheets of Drawings

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT
2. PTO FORM 1050 IN DUPLICATE

Attorney: TRM/vlp



PTO Stamp indicates receipt of:
Application Docket No: 50012-00004

Patent Mailer Trademark Mailer

Applicant: BALDWIN et al.

Title or Mark: METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING,
FILLING AND CAPPING SYRINGES

Serial/Reg. No.: 6,813,869 B2

Filed/Issued Date: November 9, 2004

_____ No. of Pages in Specification
_____ No. of Pages in Claims
_____ No. of Pages in Abstract
_____ No. of Sheets of Drawings

Certificate of Mailing
 Express Mail No.:
 Check for \$ _____

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT
2. PTO FORM 1050 IN DUPLICATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In Re the Patent of:

BALDWIN et al.

Patent No.: 6,813,868 B2

Issued: November 9, 2004

Confirmation No.: 6430

Atty. File No.: 50012-00004

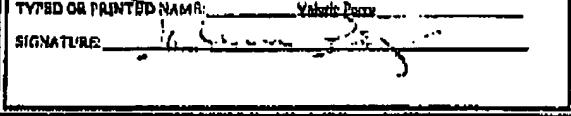
For: "METHOD, SYSTEM, AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND CAPPING
SYRINGES"

SUPPLEMENTAL REQUEST FOR
CERTIFICATE OF CORRECTION
OF PATENT FOR PTO MISTAKE
(37 C.F.R. 1.322(a))

RECEIVED
CENTRAL FAX CENTER
FEB 08 2006

"EXPRESS MAIL" MAILING LABEL NO.: RVJAM817018
DATE OF DEPOSIT: February 25, 2005

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL" POST OFFICE TO
ADDRESSEE'S SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED
ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Thomas R. Marsh
SIGNATURE: 

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find a copy of a Request for Certificate of Correction submitted to the U.S. Patent and Trademark Office on December 2, 2004, in connection with the above-identified patent. In order to expedite issuance of a Certificate of Correction, documentation that unequivocally supports the patentee's assertion(s) is enclosed for your reference.

It is respectfully requested that a Certificate of Correction be expedited for this patent.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh, Esq.
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: February 25, 2005



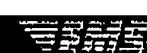
Mailing Label
Last 17-F June 2002



UNITED STATES POSTAL SERVICE

Post Office To Addressee

TO: U.S. PATENT AND TRADEMARK OFFICE	
FROM: MARSH FISCHMANN & BREYFOGLE	
METHOD OF PAYMENT: Express Mail Check Acct. No. 6400109	
Phone: 703-526-3514	
MARSH FISCHMANN & BREYFOGLE 5151 S VAUGHN WAY STE 411 ALEXANDRIA VA 22314-3514	
MAIL STOP COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450	
PERM 50012 0001	
<small>PRINT NAME, PRINTED OR TYPE IN BLOCK LETTERS</small> <small>FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com</small>	



Attorney: TRM/vip

Date: February 23, 2005

PTO Stamp indicates receipt of:
Application Docket No.: 50012-00004

Patent Matter Trademark Matter

Applicant: BALDWIN et al.
Title or Mark: METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING,
FILLING AND CAPPING SYRINGES

Serial/Reg. No.: 6,813,868 B2

No. of Pages in Specification

Filed/Issued Date: November 4, 2004

No. of Pages in Claims

Certificate of Mailing

No. of Pages in Abstract

Express Mail No.:

No. of Sheets of Drawings

Check for \$:

1. LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. SUPPLEMENTAL REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT
2. COPY OF REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT AND
PTO FORM 1050
3. COPIES OF DOCUMENTATION TO SUPPORT PATENTEE'S ASSERTION(S)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,813,868 B2
DATED : November 9, 2004
INVENTOR(S): BALDWIN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Title Page

Line (75), delete "Robert Eugene Mancuso, II, Elizabeth, CO (US); Jon Paul Page, Broomfield, CO (US), and insert therefor --Jason Conrad Morton, Littleton, CO (US)--.

Column 17

Line 62, after "removably", insert --and replacably--;

Line 64, after "cap", insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel--.

Column 19

Line 27, after the second occurrence of "end", insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange--;

Line 29, after "and", delete --,--;

Line 33, after "and", insert --wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--.

MAILING ADDRESS OF SENDER:

Thomas R. Marsh, Esq.
Registration No. 31.039
MARSH FISCHMANN & BREYFOGLE LLP
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
303-338-0997

PATENT NO. 6,813,868 B2

FORM PTO-1050

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:
BALDWIN, ET AL.

Serial No.: 09/928,007

Filed: August 10, 2001

Confirmation No.: 6430

Atty. File No.: 50012-00004

For: METHOD, SYSTEM AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND
CAPPING SYRINGES

) Group Art Unit: 3721

) Examiner: Brian D. Nash

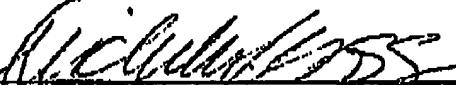
) **CORRECTION OF INVENTORSHIP**
) **UNDER 37 C.F.R. § 1.48 (b)**

)

) **CERTIFICATE OF MAILING**

) I HEREBY CERTIFY THAT this correspondence is being deposited with the
United States Postal Service as first-class mail in an envelope addressed to
Commissioner for Patents, Washington, DC 20231 on: February 14, 2003.

) MARSH FISCHMANN & BREYFOGLE LLP

) By: 
Michelle L. Wyer

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

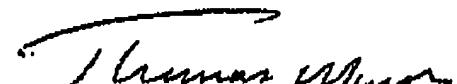
Due to a Response to Restriction Requirement filed with the U.S. Patent Office on January 13, 2002, correction of inventorship under 37 C.F.R. § 1.48(b) to remove previously named inventors by amendment of the application is hereby requested. The inventions of the below listed inventors are no longer being claimed in the pending application. Please delete the following individuals from the named inventors:

ROBERT EUGENE MANCUSO, II; and,
JON PAUL PAGE.

Enclosed is a check for \$130.00 as required by C.F.R. § 1.17(i). It is believed that no additional fees are due for filing this Correction of Inventorship; if any additional fees are due please charge such fees to Deposit Account No. 50-1419.

Respectfully submitted,
MARSH FISCHMANN & BREYFOGLE, LLP

By:


Thomas R. Marsh, Esq.
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
Atty. Reg. No.: 31,039
(303) 338-0997

Date: February 14, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 3721

Brian E. Baldwin et al.

) Examiner: Brian D. Nash

Serial No.: 09/928,007

) **CORRECTION OF INVENTORSHIP**
) **UNDER 37 C.F.R. § 1.48 (c)**

Filed: August 10, 2001

Confirmation No.: 6430

Atty. File No.: 50012-00004

For: METHOD, SYSTEM AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND
CAPPING SYRINGESRECEIVED
CENTRAL FAX CENTER

FEB 08 2006

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>August 26, 2003</u> .	
MARSH FISCHMANN & BREYFOGLE LLP	
Dated: <u>August 26, 2003</u> Michelle L. Wyss	

Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

An Amendment and Response adding Claims 79-106 was filed August 8, 2003. Due to the subject matter claimed by the added claims, Correction of Inventorship Under 37 C.F.R. § 1.48(c) to amend the above-referenced application to add a previously unnamed inventor is hereby requested.

Enclosed are the following documents:

1. A Statement of Added Inventor Under 37 C.F.R. § 1.48(c), by Jason Conrad Morton;
2. A newly executed Declaration as required by 37 C.F.R. § 1.63;
3. A check for \$130 as required by C.P.R. § 1.17(i); and,
4. A Written Consent of Assignee Under 37 C.F.R. § 1.48(c).

Atty. Docket No.: 50012-00004

PATENT

Please amend the above-identified patent application as set forth below:

INVENTORSHIP:

Please add the following inventor to the named inventor:

JASON CONRAD MORTON
8976 South Sanderling Way
Littleton, CO 80126

REMARKS

Inventorship has been amended so as to name the following co-inventors:

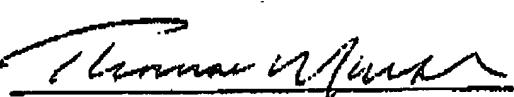
Brian Eugene Baldwin
7891 S. Argonne Street
Centennial, CO 80016

Jason Conrad Morton
8976 South Sanderling Way
Littleton, CO 80126.

Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
MARSH FISCHMANN & BREYFOGLE, LLP

By:



Thomas R. Marsh, Esq.
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
Atty. Reg. No.: 31,039
Telephone: (303) 338-0997
Facsimile: (303) 338-1514

Date: August 26, 2003

Docket No. S0012-00004

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METROD, SYSTEM, AND APPARATUS FOR HANDLING,
LABELING, FILLING AND CAPPING SYRINGES**

the specification of which

(check one)

is attached hereto.
 was filed on August 10, 2001 as United States Application No. or PCT International Application Number 09/938,007
 and was amended on August 8, 2003

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior applications and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

CENTRAL FAX CENTER

FEB 08 2006

In Re the Application of:) Group Art Unit: 3721
 Brian Eugene Baldwin et al.)
 Serial No.: 09/928,007) Examiner: Brian D. Nash
 Filed: August 10, 2001)
 Confirmation No.: 6430)
 Atty. File No.: 50012-00004)
 For: METHOD, SYSTEM, AND
 APPARATUS FOR HANDLING,
 LABELING, FILLING AND
 CAPPING SYRINGES)

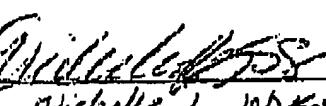
STATEMENT OF ADDED INVENTOR
UNDER 37 C.F.R. 1.48(c)

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 26, 2003

MARSH FISCHMANN & BREYFOGLE LLP

By: 
 Michelle L. Wiggs

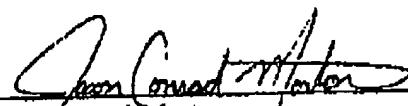
Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

I, Jason Conrad Morton, residing at 8976 South Sanderling Way, Littleton, Colorado 80126, hereby declare that, due to the Amendment and Response filed August 8, 2003, in connection with the above-identified U.S. patent application, I am a joint inventor of the currently claimed subject matter. As such, a change in inventorship is necessitated by said Amendment and Response and has occurred without deceptive intent on my part.

Respectfully submitted,

Date: August 13, 2003

By: 
 Jason Conrad Morton
 8976 South Sanderling Way
 Littleton, Colorado 80126

Page 2 of 3

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/224,136

(Application Serial No.)

August 10, 2001

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application;

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

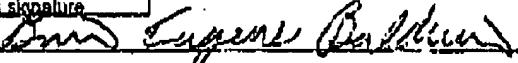
(Status)
(patented, pending, abandoned)

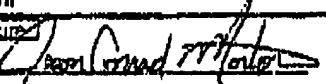
(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Brian Eugene Baldwin	
Sole or first inventor's signature		
Date	8/13/03	
Residence	7891 S. Argonne Street, Centennial, CO 80016	
Citizenship	U.S.A.	
Post Office Address		

Full name of second inventor, if any	Jason Conrad Morton	
Second inventor's signature		
Date	August 13, 2003	
Residence	8976 South Sandring Way, Littleton, CO 80126	
Citizenship	U.S.A.	
Post Office Address		

Full name of third inventor, if any		
Third inventor's signature		
Date		
Residence		
Citizenship		
Post Office Address		

Full name of fourth inventor, if any		
Fourth inventor's signature		
Date		
Residence		
Citizenship		
Post Office Address		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Group Art Unit: 3721

Brian Eugene Baldwin et al.

Examiner: Brian D. Nash

Serial No.: 09/928,007

WRITTEN CONSENT OF ASSIGNEE
UNDER 37 C.F.R. 1.48(c)

Filed: August 10, 2001

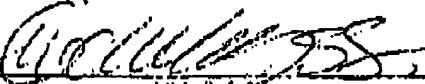
Confirmation No.: 6430

CERTIFICATE OF MAILING

Atty. File No.: 50012-00004

I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: August 26, 2003.For: METHOD, SYSTEM, AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND
CAPPING SYRINGES

MARSH FISCHMANN & BREYFOGLE LLP

By: 
Michelle L. WysaCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Gregory J Baldwin, of Baxa Corporation, a Colorado corporation, having a place of business at 14445 Grasslands Drive, Englewood, Colorado 80112, hereby declare that Baxa Corporation is the assignee of the above-identified U.S. patent application, a copy of a prior Assignment recorded at Reel 012076, Frame 0088, being attached hereto, and a copy of a further Assignment also being attached hereto. Baxa Corporation hereby consents to a correction of inventorship by amendment of the application, whereby the following individuals are the correct and actual co-inventors of the subject matter claimed in the application pursuant to an Amendment and Response filed August 8, 2003:

Brian Eugene Baldwin
7891 S. Argonne Street
Centennial, CO 80016

Jason Conrad Morton
3976 South Sanderling Way
Littleton, CO 80126

Respectfully submitted,
BAXA CORPORATION

By: 
Gregory J. Baldwin
President and CEO

Date: 8-20-03

RECEIVED
CENTRAL FAX CENTER
FEB 08 2006



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

RECEIVED
 CENTRAL FAX CENTER

OCTOBER 19, 2001

PTAS

MARSH FISCHMANN & BREYFOGLE, LLP
 THOMAS R. MARSH, ESQ.
 3151 S. VAUGHN WAY
 SUITE 411
 AURORA, CO 80014

RECEIVED

OCT 25 2001

101816186A

FEB 08 2006

MARSH FISCHMANN & BREYFOGLE LLP

UNITED STATES PATENT AND TRADEMARK OFFICE
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/10/2001

REEL/FRAME: 012075/0088

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BALDWIN, BRIAN EUGENE

DOC DATE: 08/10/2001

ASSIGNOR:

MANCUSO, II., ROBERT EUGENE

DOC DATE: 08/10/2001

ASSIGNOR:

PAGE, JON PAUL

DOC DATE: 08/10/2001

ASSIGNEE:

BAXA CORPORATION
 13760 EAST ARAPAHOE ROAD
 ENGLEWOOD, COLORADO 80112

SERIAL NUMBER: 09928007
 PATENT NUMBER:

FILING DATE: 08/10/2001

ISSUE DATE:

012076/0088 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED
CENTRAL FAX CENTER

02/08/2006 14:19 MARSH FISCHMANN BREYFOGLE LLP → 15712738300

FEB 08 2006 NO. 977

Ref. No.: 50012-00004

021

FORM PTO-1590 (Modified)
Rev. 5-93
OMB No. 0651-0011 (exp. 4/04)
Copyright 1994-2000 Legistar
Version 02

08-20-2001

T

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings → → → ▼

▼ attached original documents or copy thereof.

101816186

To the Honorable Commissioner of Patents and

101816186

1. Name of conveying party(ies):
Brian Eugene Baldwin
Robert Eugene Mancuso, II
Jon Paul Page

08/10/01

Additional name(s) of conveying party(ies) Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: August 10, 2001

4. Application number(s) or registration numbers(s): 09/928007

If this document is being filed together with a new application, the execution date of the application is: August 10, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Not Yet Assigned

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Thomas R. Marsh, Esq.

Internal Address: MARSH FISCHMANN &

BREYFOGLE, LLP

8/17/2001 STAM1 00000173 09328467

1 FC, 311

40.00 LP

Street Address: 3151 S. Vaughn Way

Suite 411

City: Aurora

State: CO ZIP: 80014

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

50-1419

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Thomas R. Marsh

Name of Person Signing

Signature

August 10, 2001

Total number of pages including cover sheet, attachments, and document:

3

Date

ASSIGNMENT

WHEREAS, we, Brian Eugene Baldwin of 7891 S. Argonne Street, Centennial, CO 80016, Robert Eugene Mancuso, II of 36059 Winchester Road, Elizabeth, CO 80107, and Jon Paul Page of 1642 Hemlock Way, Broomfield, CO 80020, have invented a certain new and useful invention entitled "METHOD, SYSTEM AND APPARATUS FOR HANDLING, LABELING, FILING AND CAPPING SYRINGES", for which an application for Letters Patent of the United States has been prepared for filing, said application being identified as Attorney File No. 50012-00004 and executed on even date herewith.

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, Baxa Corporation, a Colorado corporation having a place of business at 13760 East Arapahoe Road, Englewood, CO 80112-3903, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than Baxa Corporation and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to Baxa Corporation, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

Date: August 10, 2001

By: Brian Eugene Baldwin
Brian Eugene Baldwin

Date: August 10, 2001

By: Robert Eugene Mancuso, II
Robert Eugene Mancuso, II

Date: August 10, 2001

By: Jon Paul Page
Jon Paul Page

STATE OF Colorado)
)
 COUNTY OF Denver) ss.

Before me, a Notary Public in and for said County and State, personally appeared Brian Eugene Baldwin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 10 day of August, 2001.

Daleen I. Berg
 Notary Public

My Commission Expires January 20, 2005

STATE OF Colorado)
)
 COUNTY OF Denver) ss.

Before me, a Notary Public in and for said County and State, personally appeared Robert Eugene Mancuso, II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 10 day of August, 2001.

Daleen I. Berg
 Notary Public

My Commission Expires January 20, 2005

STATE OF Colorado)
)
 COUNTY OF Denver) ss.

Before me, a Notary Public in and for said County and State, personally appeared Jon Paul Page known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 10 day of August, 2001.

Daleen I. Berg
 Notary Public

My Commission Expires January 20, 2005

02/08/2006
0651-0027 (exp. 03/12/2002)

14:19

MARSH FISCHMANN BREYFOGLE LLP → 15712738300

FEB 08 2006 NO. 977
Patent and Trademark Office

D24

PATENTS ONLY

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

Name of conveying party(ies):

Ian Eugene Baldwin
John Conrad Morton

2. Name and address of receiving party(ies):

Name: Baxa Corporation

Internal Address: _____

ional names(s) of conveying party(ies)

 Yes No

Nature of conveyance:

Assignment

 Merger

Security Agreement

 Change of Name

Other _____

Execution Date: August 13, 2003Street Address: 14445 Grasslands DriveCity: Englewood State: CO ZIP: 80112Additional name(s) & address(es) attached? Yes No

Application number(s) or patent numbers(s):

This document is being filed together with a new application, the execution date of the application is: _____

Patent Application No.(s)

B. Patent No.(s)

8,007

Additional numbers attached? Yes No

Name and address of party to whom correspondence concerning document should be mailed:

Name: Thomas R. Marsh, Esq.

Internal Address: _____

MARSH FISCHMANN & BREYFOGLE LLPStreet Address: 3151 South Vaughn Way, Suite 411City: Aurora State: CO ZIP: 800146. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00 Enclosed - Any excess or insufficiency should be credited or debited to deposit account Authorized to be charged to deposit account

8. Deposit account number:

50-1419

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

Statement and signature,

In the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Thomas R. Marsh, Esq.

Thomas R. Marsh, Esq.

August 26, 2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

ASSIGNMENT

WHEREAS, we, Brian Eugene Baldwin, residing at 7891 South Argonne Street, Centennial, Colorado 80016, and Jason Conrad Morton, residing at 8976 South Sanderling Way, Littleton, Colorado 80126, have invented a certain new and useful Invention entitled "METHOD, SYSTEM AND APPARATUS FOR HANDLING, LABELING, FILLING AND CAPPING SYRINGES", for which an application for Letters Patent of the United States has been prepared and filed on August 10, 2001, receiving Serial No. 09/928,007, and further identified as Attorney File No. 50012-00004.

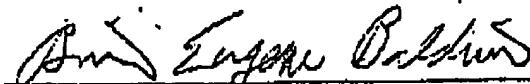
NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, Baxa Corporation, a Colorado corporation having a place of business at 14445 Grasslands Drive, Englewood, Colorado 80112, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than Baxa Corporation and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to Baxa Corporation, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

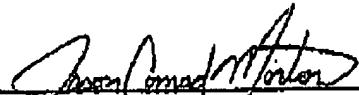
Date: 8-13-03

By:


Brian Eugene Baldwin

Date: August 13, 2003

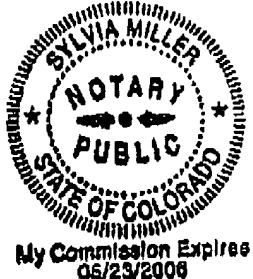
By:


Jason Conrad Morton

STATE OF Colorado }
COUNTY OF Arapahoe }

Before me, a Notary Public in and for said County and State, personally appeared Brian Eugene Baldwin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 13th day of August,
2003.

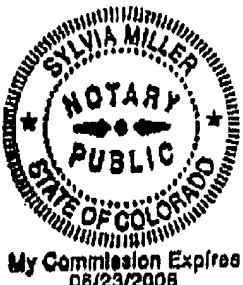


Sylvia Miller
Notary Public Sylvia Miller
My Commission Expires: 5/23/06

STATE OF Colorado }
COUNTY OF Arapahoe }

Before me, a Notary Public in and for said County and State, personally appeared Jason Conrad Morton, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 13th day of August,
2003.



Sylvia Miller
Notary Public Sylvia Miller
My Commission Expires: 5/23/06

02/08/2006

14:19

MARSH FISCHMANN BREYFOGLE LLP → 15712738300

RECEIVED
NO. 977
CENTRAL FAX CENTER

027



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

FEB 08 2006

NOTICE OF ALLOWANCE AND FEE(S) DUE

7500 04/08/2004
MARSH FISCHMANN & BREYFOGLE LLP
3151 S. Vaughn Way, Suite 411
Aurora, CO 80014

RECEIVED

APR 14 2004

EXAMINER

NASH, ORLANDO

ALT UNIT

PAPER NUMBER

3731

DATE MAILED: 04/08/2004

MARSH FISCHMANN & BREYFOGLE LLP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,007	08/10/2001	Brian Eugene Baldwin	50112-00004	6130

TITLE OF INVENTION: MULTHON, SYSTEM, AND APPARATUS FOR HANDLING, LABELING, FILLING AND CAPPING SYRINGES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1350	\$300	\$1630	04/08/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status; or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,007	08/10/2001	Brian Eugene Baldwin	50012-D0004	6430
2990	04/08/2004			
			EXAMINER	
			NASH, BRIAN D	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 04/08/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 29 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 29 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)
	09/828,007 Examiner Brian D Nash	BALDWIN ET AL. Art Unit 3721

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address. All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to 3-31-2004.

The allowed claim(s) is/are 1-7, 9-16, 79-83 and 96-101.

The drawings filed on 10 August 2001 are accepted by the Examiner.

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(e)-(d) or (i). MARSH FISCHMANN & BREYFOGLE LLP
a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) Including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) Including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1448 or PTO/SB/08),
Paper No./Mail Date _____
- Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),
Paper No./Mail Date 03/31/2004
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other _____.

Application/Control Number: 09/928,007
Art Unit: 3721

Page 2

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 23 February 2004 and telephonic interviews that occurred on 29 & 31 March 2004. *Refer to the interview summary for a summation of the arguments discussed.* Applicant agreed to the examiner's proposed amendments (see examiner's amendment below) in order to place the application in condition for allowance. The allowed claims are 1-7, 9-16, 79-93, and 96-101.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Marsh at 720-747-8890 on 1 April 2004.

The application has been amended as follows:

In claim 1, line 3, immediately after "cap removably" insert --and replacably--;

In claim 1, line 5, replace ";" and," with --and wherein the dispensing end of the barrel includes a fluid port and an outer flange and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--;

Application/Control Number: 09/928,007
Art Unit: 3721

Page 3

Cancel claims 18-19;

In claim 92, line 3, immediately after "opposing end," insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange,--;

In claim 92, line 6, replace "and" with --and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--;

Cancel claims 94-95;

Cancel claims 102-106.

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to show an apparatus for automated handling of syringe bodies comprising a plurality of syringe bodies, each having a barrel with a dispensing and opposing end, a plunger slidably disposed in the opposing end, wherein a clean, contained volume is defined within the barrel between the plunger and the cap, and wherein the cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member is positionable about or an inner member is positionable within the fluid port of the barrel; and a flexible belt fixedly attached to each of the barrels of the syringe bodies such that at least one of the dispensing or opposing ends is accessible.

Additionally, a further review of the prior art of record failed to suggest or teach a reason for combining the reference to Ortiz et al with that of Shaw in order to arrive at the applicant's invention. Ortiz et al produce capped syringe bodies containing a sterile volume of fluid and

Application/Control Number: 09/928,007

Page 4

Art Unit: 3721

Shaw shows a method of attaching cylindrical bodies via a flexible belt for the purpose of automated and more accurate handling. It is the examiner's opinion that it would not be obvious nor would there be any reason to attach a capped and filled syringe body that is ready for use and/or transport to a flexible belt for the purpose of further handling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday -- Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 703 308-2187.

The fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
1 April 2004



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700

Interview Summary	Application No.	Applicant(s)
	09/828,007	BALDWIN ET AL.
	Examiner Brian D Nash	Art Unit 3721

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian D Nash. (3) _____

(2) Thomas Marsh. (4) _____

Date of interview: 29 March 2004.

Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) applicant 2) applicant's representative)

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: All claims.

Identification of prior art discussed: US 3,823,818 to Shaw and US 5,884,457 to Ortiz et al.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
 A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be Transacted in Writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the 'Contents' section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation Sheet (PTOL-41S)**Application No. -09/828,007**

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Basis for the discussion centered around the obviousness and motivation of one having ordinary skill in the art to combine the two references mentioned above in order to arrive at the applicant's invention. Mr. Marsh, as stated in his remarks received 23 February 2004, stated that the reference of Shaw teaches away from the invention in that the plastic preforms and the environment in which they are processed is not sterile. Mr. Marsh also stated his position that it would not be obvious to combine the two references because Shaw does not disclose or suggest applicability to the field of medical products. Furthermore, Mr. Marsh reiterated from his remarks the submitted declarations in support of non-obviousness by Randall Smith and Jeffrey Baldwin.

The examiner discussed his position by reviewing the amended claims and remarks with Mr. Marsh and explaining why it would be obvious to one having ordinary skill in the art to combine the references of Shaw and Ortiz et al. It is the examiner's understanding that the novelty of the invention is an apparatus for easier, quicker, and more accurate handling of syringe bodies for the medical field. Shaw discloses a method and apparatus for attaching cylindrical bodies via a flexible web specifically in order to provide a method and means for handling and/or storing the cylindrical bodies for future use. Ortiz et al disclose the syringe body having all the structural limitations of the claimed invention. As discussed, it is the examiner's position that it would be obvious to substitute the syringe bodies in order to arrive at the applicant's invention. Regarding the issue that the method and means of Shaw does not occur in a sterile environment is irrelevant because it is well known in the art to process containers in sterile environments when conditions necessitate such a means and it would have been obvious to do so if syringe bodies were substituted for the plastic preforms of Shaw. The examiner additionally refers back to the Response to Arguments found in the final rejection of Paper No. 16.

Regarding the discussion of the declarations submitted in support of non-obviousness by Randall Smith and Jeffrey Baldwin, the examiner restated his position that the declarations fail to provide support as to why it would not be obvious to one having ordinary skill in the art, at the time of the invention, to incorporate syringe bodies with the disclosed apparatus of Shaw in order to produce the claimed invention. However, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness. It is well known in the art to use teachings of similar methods and apparatuses in manufacturing as a means to improve and/or increase the efficiency of existing techniques. Shaw clearly shows an automated apparatus for handling a plurality of cylindrical bodies fixedly attached to a belt in a predetermined orientation and the substitution of syringe bodies for the thermoplastic preforms would have been obvious.

After further discussions on Wednesday 31 March 2004, Mr. Marsh agreed to the examiner's proposed amendment and cancellation of non-novel claims. The application is now in a condition for allowance via an examiner's amendment.

AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Baldwin et al.

Docket No.
50012-00004

Serial No.
09/928,097

Filing Date

Examiner
Brian D. Nash

Group Art Unit

Invention:

METHOD, SYSTEM AND APPARATUS FOR HANDLING, LABELING, FILING AND CAPPING SYRINGES

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	45 -	78 *	0	x \$9.00	\$0.00
INDEP. CLAIMS	3 -	7 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

Please charge Deposit Account No. _____ in the amount of _____.

A check in the amount of _____ to cover the filing fee is enclosed.

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1419

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

Crown Affairs

Signature

Dated: 2-17-07

Thomas R. Marsh
Registration No. 31,039
Marsh Fischmann & Breyfogle LLP
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
303-338-0997

I certify that this document and fee is being deposited on
CZL/7/04 with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynn Pennywell
Signature of Person Mailing Correspondence

Lynn Pennywell
Typed or Printed Name of Person Mailing Correspondence

CC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
FEB 08 2006

In Re the Application of:

Group Art Unit: 3721

Brian Eugene Baldwin et al.

Examiner: Brian D. Nash

Serial No.: 09/928,007

)

Filed: August 10, 2001

)

AMENDMENT AND RESPONSE

Confirmation No.: 6430

)

Atty. File No.: 50012-00004

)

For: METHOD, SYSTEM AND
APPARATUS FOR HANDLING,
LABELING, FILLING AND
CAPPING SYRINGES

)

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 02/07/04.

MARSH FISCHMANN & BREYFOGLE LLP

Lynn Pennywell

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant submits this Amendment and Response to address the Office Action mailed October 16, 2003. Enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from January 16, 2004, to February 16, 2004, as well as a check in the amount of \$55.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Please cancel Claim 17 and amend Claims 1, 5, 18, 19, 91, 92 and 100-102, as set forth below:

Atty. Docket No.: 50012-00004

PATENT

IN THE CLAIMS

1. (Currently Amended) An apparatus adapted for automated handling, comprising:
a plurality of syringe bodies, each comprising a barrel having a dispensing end and an opposing end, a plunger slidably disposed in the opposing end of the barrel, and a cap removably disposed on the dispensing end of the barrel, wherein a closed, contained volume is defined within the barrel between the plunger and the cap; and,
a flexible belt fixedly attached to each said barrel of said plurality of syringe bodies, wherein said plurality of syringe bodies are positionable in a predetermined orientation and at least one end of said dispensing end and said opposing end of each said barrel of said plurality of syringe bodies is accessible.
2. (Original) An apparatus as recited in Claim 1, wherein dispensing ends of the barrels of the plurality of syringe bodies extend in a common direction in said predetermined orientation.
3. (Original) An apparatus as recited in Claim 1, wherein said belt defines a predetermined spacing between adjacent ones of said plurality of syringe bodies.
4. (Original) An apparatus as recited in Claim 3, wherein said predetermined spacing is substantially the same between each pair of adjacent ones of the plurality of syringe bodies.
5. (Currently Amended) An apparatus as recited in Claim 1, wherein said plurality of syringe bodies are aligned in side-by-side, series relation in said predetermined orientation.
6. (Original) An apparatus as recited in Claim 5, wherein at least the barrels of the plurality of syringe bodies are of a common length, and wherein the belt is fixedly connected to the barrels along a common portion of the length of each.
7. (Original) An apparatus as recited in Claim 5, wherein said belt is of a width that exceeds a majority of a length of each of the barrels comprising said plurality of syringe bodies.
8. (Previously Cancelled)
9. (Previously Amended) An apparatus as recited in Claim 1, wherein said belt comprises:

Atty. Docket No.: 50012-00004

PATENT

opposing layers adjoined in face-to-face relation between adjacent ones of said plurality of syringe bodies and wrapped about opposing sides of the barrels of each of said plurality of syringe bodies.

10. (Original) An apparatus as recited in Claim 9, wherein at least one of said opposing layers is substantially transparent.

11. (Previously Amended) An apparatus as recited in Claim 10, wherein said opposing layers are adhesively adjoined, and wherein at least one of the opposing layers is adhesively connected to the barrels of the plurality of syringe bodies.

12. (Original) An apparatus as recited in Claim 1, wherein said belt is of a severable construction.

13. (Original) An apparatus as recited in Claim 12, wherein said belt is of a predetermined length between adjacent ones of said plurality of syringe bodies, said predetermined length being sufficient to define label flaps upon severance of the belt between said adjacent ones of the plurality of syringe bodies.

14. (Original) An apparatus as recited in Claim 13, wherein said flaps are of predetermined length being sufficient for the placement of contents information thereupon.

15. (Original) An apparatus as recited in Claim 1, wherein said belt comprises:
a first portion extending between adjacent ones of said plurality of syringe bodies; and,
a second portion that extends about at least a portion of the barrels of each of said plurality of syringe bodies.

16. (Original) An apparatus as recited in Claim 15, wherein at least said second portion of said belt is substantially transparent.

17. (Cancelled)

18. (Currently Amended) An apparatus as recited in Claim 17, wherein for each of said plurality of syringe bodies:

the dispensing end of the barrel includes a fluid port and an outer flange; and,

the cap includes an outer member matingly positionable within the outer flange of the barrel and an inner member matingly positionable about the fluid port of the barrel, wherein said cap is both removable from and replaceable on said dispensing end.

Atty. Docket No.: 50012-00004

PATENT

19. (Currently Amended) An apparatus as recited in Claim 71, wherein for each of said plurality of syringe bodies:

the dispensing end of the barrel includes a fluid port and an outer flange; and,

the cap includes an outer member matingly positionable about the outer flange of the barrel and an inner member matingly positionable within the fluid port of the barrel, wherein said cap is both removable from and replaceable on said dispensing end.

Claims 20-32 (previously cancelled)

Claims 33-78 (previously cancelled)

79. (Previously Added) An apparatus as recited in Claim 9, wherein at least one of said opposing layers is opaque.

80. (Previously Added) An apparatus as recited in Claim 79, wherein at least one of said opposing layers is provided for printing contents-related information thereon.

81. (Previously Added) An apparatus as recited in Claim 79, wherein said opaque layer is provided for printing contents-related information thereon.

82. (Previously Added) An apparatus as recited in Claim 14, wherein said flaps are provided for printing contents-related information thereupon.

83. (Previously Added) An apparatus as recited in Claim 82, wherein at least a portion of each said flap is opaque.

84. (Previously Added) An apparatus as recited in Claim 15, wherein at least part of one of said first and second portions of said belt is opaque.

85. (Previously Added) An apparatus as recited in Claim 84, wherein said opaque part of said belt is provided for printing contents-related information thereon.

86. (Previously Added) An apparatus as recited in Claim 85, wherein said opaque part of said belt extends between adjacent ones of said plurality of syringe bodies.

87. (Previously Added) An apparatus as recited in Claim 84, further comprising: sheet labels affixed to said belt between each of said plurality of syringe bodies.

88. (Previously Added) An apparatus as recited in Claim 87, wherein said sheet labels are provided for printing content-related information thereon.

Atty. Docket No.: 50012-00004

PATENT

89. (Previously Added) An apparatus as recited in Claim 87, wherein said belt comprises opposing layers adjoined in a face to face relationship, wherein said sheet labels are sandwiched between said opposing layers.

90. (Previously Added) An apparatus as recited in Claim 89, wherein at least one of said opposing layers is substantially transparent.

91. (Currently Amended) An apparatus as recited in Claim 71, wherein for each of said plurality of syringe bodies, a sterile, contained volume is defined within said barrel between the plunger and the cap.

92. (Currently Amended) An apparatus adapted for automated handling, comprising:
a plurality of syringe bodies each comprising: a barrel having a dispensing end and an opposing end; a cap removably and replaceably disposed on the dispensing end of the barrel; and a plunger slidably disposed in the opposing end of the barrel, wherein for each of said plurality of syringe bodies a clean, contained volume is defined within said barrel between the plunger and cap; and;

a flexible belt fixedly attached to each said barrel of said plurality of syringe bodies, wherein said plurality of syringe bodies are positionable in a predetermined orientation and at least one end of each said barrel of said plurality of syringe bodies is accessible, wherein said belt is of a predetermined length between adjacent ones of said plurality of syringe bodies, said predetermined length being sufficient to define label flaps upon severance of the belt between said adjacent ones of the plurality of syringe bodies, and wherein at least one surface of each said predetermined length of said belt is adapted for printing contents-related information thereon.

93. (Previously Added) An apparatus as recited in Claim 92, wherein for each of said plurality of syringe bodies a sterile, contained volume is defined within said barrel between the plunger and cap.

94. (Previously Added) An apparatus as recited in Claim 92, wherein for each of said plurality of syringe bodies:

the dispensing end of the barrel includes a fluid port and an outer flange; and,

the cap includes an outer member matingly positionable within the outer flange of the barrel and an inner member matingly positionable about the fluid port of the barrel.

Atty. Docket No.: 50012-00004

PATENT

95. (Previously Added) An apparatus as recited in Claim 92, wherein for each of said plurality of syringe bodies:

the dispensing end of the barrel includes a fluid port and an outer flange; and,

the cap includes an outer member matingly positionable about the outer flange of the barrel and an inner member matingly positionable within the fluid port of the barrel.

96. (Previously Added) An apparatus as recited in Claim 92, wherein said belt comprises:

opposing layers adjoined in face-to-face relation between adjacent ones of said plurality of syringe bodies and wrapped about opposing sides of the barrels of each of said plurality of syringe bodies.

97. (Previously Added) An apparatus as recited in Claim 96, wherein at least one of said opposing layers is opaque.

98. (Previously Added) An apparatus as recited in Claim 96, wherein at least one of said opposing layers is substantially transparent.

99. (Previously Added) An apparatus as recited in Claim 97, wherein said opposing layers are adhesively adjoined, and wherein at least one of the opposing layers is adhesively connected to the barrels of the plurality of syringe bodies.

100. (Currently Amended) An apparatus as recited in Claim 92-96, wherein said belt is of a predetermined length between adjacent ones of said plurality of syringe bodies, said predetermined length being sufficient to define label flaps upon severance of the belt between said adjacent ones of the plurality of syringe bodies, at least one surface of each said predetermined length of said belt is defined by a sheet label affixed to said belt.

101. (Currently Amended) An apparatus as recited in Claim 100-96, wherein said flaps are of predetermined length being sufficient for the placement of contents information thereupon, at least one surface of each said predetermined length of said belt is defined by one of said opposing layers.

102. (Currently Amended) An apparatus adapted for automated handling, comprising:

a plurality of syringe bodies each comprising: a barrel having a dispensing end and an opposing end, a cap removably and replaceably disposed on the dispensing end of the barrel; and, a plunger slidably disposed in the opposing end of the barrel, wherein a clean, contained volume is defined within the barrel between the plunger and the cap; and

Atty. Docket No.: 50012-00004

PATENT

a flexible belt fixedly attached to each said barrel of said plurality of syringe bodies, wherein said plurality of syringe bodies are positionable in a predetermined orientation and at least one end of each said barrel of said plurality of syringe bodies is accessible, and wherein said belt comprises opposing layers adjoined in face-to-face relation between adjacent ones of said plurality of syringe bodies and wrapped about opposing sides of the barrels of each of said plurality of syringe bodies.

103. (Previously Added) An apparatus as recited in Claim 102, wherein at least one of said opposing layers is substantially transparent.

104. (Previously Added) An apparatus as recited in Claim 102, wherein at least one of said opposing layers is opaque.

105. (Previously Added) An apparatus as recited in Claim 104, wherein at least one of said opposing layers is provided for printing contents-related information thereon.

106. (Previously Added) An apparatus as recited in Claim 104, wherein said opaque layer is provided for printing contents-related information thereon.

Atty. Docket No.: 50012-00004

PATENT

REMARKS

In the Office Action mailed October 16, 2003, the Examiner rejected Claims 1-7, 9-16 and 79-86 under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 3,823,818 to Shaw. Further, Claims 17-19 and 91-106 were rejected under 35 U.S.C. § 103(a) as being obvious over Shaw in view of U.S. Patent No. 5,884,457 to Ortiz et al., and Claims 87 and 88 were rejected under 35 U.S.C. § 103(a) as being obvious over Shaw in view of U.S. Patent No. 5,651,775 to Walker et al. Applicant submits that all pending claims are allowable over the art.

In particular, independent Claims 1, 92 and 102 are each directed to an apparatus adapted for automated handling and comprising a plurality of syringe bodies, each syringe body including a barrel having a dispensing end and an opposing end, a plunger slidably disposed in the opposing end, and a cap removably disposed on the dispensing end wherein a clean, contained volume is defined within the barrel. The apparatus further includes a flexible belt fixedly attached to the barrels of each of the plurality of syringe bodies, wherein the syringe bodies are positionable in a predetermined orientation with at least one of the ends of each barrel being accessible. Such an arrangement facilitates automated handling processes for a plurality of syringe bodies while also facilitating the efficient provision and maintenance of a clean, contained volume in each of the syringe bodies in conjunction with the automated handling. As may be appreciated, the efficient provision and maintenance of a clean, contained volume within syringe bodies is of importance in the field of products for fluid medication administration.

In contrast to the invention of Claims 1, 92 and 102, Shaw is directed to thermoplastic container blow molding (e.g. bottles) utilizing unfinished, open-ended preforms and fails to disclose or suggest an apparatus comprising a plurality of capped, syringed bodies having clean, contained volumes that are interconnected by a flexible belt. Further, Shaw fails to disclose or suggest any applicability of the teachings thereof to the field of medical products, including products for fluid medication administration. Concomitantly, Shaw fails to address or even recognize the desirability of an apparatus that facilitates the efficient provision and maintenance of a clean, contained volume. Indeed, since the unfinished preforms of Shaw are open-ended, Shaw's teachings are not capable of

Atty. Docket No.: 50012-00004

PATENT

facilitating the provision and maintenance of a clean, contained volume in automated handling or otherwise.

In view of the foregoing, Applicant submits that the invention of Claims 1, 92 and 102 is not obvious in view of Shaw. In further support of such position, Applicant is submitting herewith a Declaration Under 37 C.F.R. § 1.132 of Randall W. Smith. Further, Applicant is submitting herewith a secondary consideration Declaration in Support of Non-Obviousness by Jeffrey V. Baldwin.

Applicant submits that Ortiz et al. also fails to disclose or suggest the invention of Claims 1, 92 and 102, i.e. an apparatus having a plurality of syringe bodies and a flexible belt fixedly attached to the barrel of each of the syringe bodies. Rather, Ortiz is directed to a method and apparatus in which interconnected delivery devices 12 are held by individual positioning of the non-interconnected delivery devices 12 in a non-flexible feeding magazine 26 disposed on a non-flexible frame 24 of a filling machine 10 for movement along a pre-determined path of the filling machine 10. See, Column 6, Lines 10-17; Column 6, Lines 27-40 with Fig. 6; Column 7, Lines 6-12; and Column 7, Lines 21-27. In this regard, it is important to note that the only apparatus for handling delivery devices 12 that is described by Ortiz et al. is the feeding magazine 26 within which delivery devices 12 are separately, supportably and removably positioned. In order to provide such functionality, the feeding magazine 26 is not flexible and is not fixedly attached to any portion of the delivery devices 12.

In addition to the respective shortcomings of Shaw and Ortiz et al., Applicant submits that such references are not combinable to render obvious the invention of Claims 1, 92 and 102. In this regard, and as noted above, Shaw fails to disclose or suggest any applicability of the teachings thereof to the field of medical products, including products for fluid medication administration (e.g. syringe bodies). Further, Shaw fails to address or recognize the desirability of providing and maintaining a clean, contained volume in an apparatus, and otherwise fails to disclose any apparatus for doing so. Rather, Shaw actually teaches away from such an apparatus by providing open-ended, unfinished preforms. Further in this regard, Shaw notes that when the open-ended, unfinished preforms are to be blow molded into containers:

Atty. Docket No.: 50012-00004

PATENT

"[T]he individual preforms are . . . fed rapidly into a heating device, such as the heating and blowing tables disclosed in U.S. Pat No. 3,599,280. In these units, the preform is heated sufficiently to enable it to be blow molded into the final container or bottle configuration." Column 4, Lines 22-28.

Applicant notes that a review of the referenced U.S. Patent No. 3,599,280 reveals that the various machine embodiments disclosed /described therein contemplate operation upon open-ended, unfinished preforms, and make no provision for and appear to be inoperable for handling preforms or any other vessel that is capped with a clean, contained volume. A copy of U.S. Patent No. 3,599,280 is provided herewith for the Examiner convenience.

In view of the foregoing, Applicant submits that Shaw fails to provide any suggestion or motivation to combine the teachings thereof with Ortiz et al., much less in a manner that would yield the invention of Claims 1, 92 and 102. In fact, given the open-ended, unfinished nature of the preforms taught by Shaw, Applicant submits that Shaw actually teaches away from the apparatus of Claims 1, 92 and 102.

Further, Applicant submits that Ortiz et al. fails to provide any suggestion or motivation to combine the teachings thereof with Shaw, much less in a manner that would yield the invention of Claims 1, 92 and 102. In this regard, Applicant again notes that in Ortiz et al. non-interconnected delivery devices 12 are filled by individual and separate positioning in a non-flexible feeding magazine 26 of a filling machine 10 for movement along a predetermined feeding path of the filling machine 10. As shown in Figs. 6 and 7, and described at Column 6, Lines 27-51 of Ortiz et al. the feeding magazine 26 includes a guide flange 32 with separate apertures 34, each aperture 34 being provided to receive an end of a single, separate delivery device 12 that is inserted therein. Further, the feeding magazine 26 includes a support flange 36 with separate notches 38, each notch 38 having grooves 42 for receiving linear portions 40 of a single, separate delivery device 12. Applicant submits that such an arrangement fails to provide any suggestion or motivation for, and actually teaches away from a modified arrangement in which the delivery devices 12 are interconnected in any manner, much less utilizing any features of Shaw. Indeed, in view of the purpose and design of the feeding magazine 26, there would be no purpose or need for such a combination. Moreover, the

Atty. Docket No.: 50012-00004

PATENT

arrangement of Shaw would not appear to be workable in the Shaw filling machine 10 either in combination with or in place of feeding magazine 26.

In further support of the non-obviousness of Claims 1, 92 and 102 over Shaw and Ortiz et al., Applicant again notes the Declaration Under 37 C.F.R. 1.132 of Randall W. Smith submitted herewith. Further, Applicant again notes the Declaration in Support of Non-Obviousness by Jeffrey V. Baldwin submitted herewith.

With further particular respect to independent Claims 92 and 102, Applicant notes that the apparatus defined thereby further stipulates that the caps disposed on each of the syringe bodies are both removable from and replaceable upon the dispensing ends thereof. Additionally, Claim 92 provides that the flexible belt interconnecting the plurality of syringe bodies is of a predetermined length between adjacent ones of the syringe bodies, wherein said predetermined length is sufficient to define label flaps upon severance of the belt between adjacent ones of the syringe bodies, and wherein at least one surface of each predetermined length of the belt is adapted for printing contents-related information thereon. Applicant submits that, the inclusion of the noted features provides further basis for the allowability of independent Claims 92 and 102.

For example, with respect to Claim 92, Shaw and Ortiz et al. fail to provide any disclosure as to the provision of label flaps or surfaces adapted for printing contents-related information thereupon. In fact, Shaw actually teaches away from such features stating:

"When it is desired to produce containers using the belted preforms, it is a simple matter to remove a loaded reel from its storage and shipping container 60 and feed the outer end of the preform web to a suitable stripping device whereby with the application of a suitable solvent, heat, or by the use of a severing mechanism, the individual preforms are sequentially separated from the plastic web and fed rapidly into a heating device . . .". Column 4, Lines 16-25.

The noted stripping of the plastic web and heating of the separated preforms is inconsistent with the provision of the features of Claim 92 noted above.

For the record, Applicant notes that it is clear that the prior art must teach or otherwise motivate a combination of prior art references. For example, in the CAFC decision of *In re Anita*

Atty. Docket No.: 50012-00004

PATENT

Dembiczak and Vincent Zinbarg, 175 F.3d 994, U.S.P.Q.2D (BNA) 1614 (Fed. Cir. 1999) the Court stated:

Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. See, e.g., *C.R. Bard, Inc. v. M3 Sys., Inc.*, 157 F.3d 1340, 1352, 48 U.S.P.Q.2D (BNA) 1225, 1232 (Fed. Cir. 1998) (describing "teaching or suggestion or motivation [to combine]" as an "essential evidentiary component of an obviousness holding"); *In re Rouffet*, 149 F.3d 1350, 1359, 47 U.S.P.Q.2D (BNA) 1453, 1459 (Fed. Cir. 1998) ("the Board must identify specifically...the reasons one of ordinary skill in the art would have been motivated to select the references and combine them"); *In re Fritch*, 972 F.2d 1260, 1265, 23 U.S.P.Q.2D (BNA) 1780, 1783 (Fed. Cir. 1992) (examiner can satisfy burden of obviousness in light of combination "only by showing some objective teaching [leading to the combination]"); *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2D (BNA) 1596, 1600 (Fed. Cir. 1988) (evidence of teaching or suggestion "essential" to avoid hindsight); *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.3d 281, 297, 227 U.S.P.Q. (BNA) 657, 667 (Fed. Cir. 1985) (district court's conclusion of obviousness was error when it "did not elucidate any factual teachings, suggestions or incentives from this prior art that showed the propriety of combination"). See also *Graham*, 383 U.S. at 18, 148 U.S.P.Q. (BNA) at 467 ("strict observance" of factual predicates to obviousness conclusion required). Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight. See, e.g., *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 U.S.P.Q. (BNA) 543, 547 (Fed. Cir. 1985) ("The invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time."). In this case the Board fell into the hindsight trap.

Applicant submits that in the present case the Examiner's combination of Shaw and Ortiz et al. is the result of inappropriate hindsight analysis and, for the various reasons noted above, Applicant respectfully requests withdrawal of claim rejections based thereupon.

Atty. Docket No.: 50012-00004

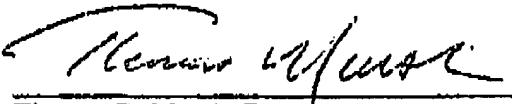
PATENT

In view of the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE, LLP

By:



Thomas R. Marsh, Esq.

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

Atty. Reg. No. 31,039

Telephone: (303) 338-0997

Facsimile: (303) 338-1514

Date: 2/17/04

Attorney: TRM/vip

Date: February 25, 2005

PTO Stamp indicates receipt of:

Application Docket No.: 50012-00004

Applicant: BALDWIN et al.

Title or Mark: METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING,

FILLING AND CAPPING OF BOTTLES

Serial/Reg. No.: 6,813,868 B2

Filed/Issued Date: November 9, 2004

 Certificate of Mailing Express Mail No.: Check for \$ _____ Patent Matter Trademark Matter

No. of Pages in Specification

No. of Pages in Claims

No. of Pages in Abstract

No. of Sheets of Drawings

FEB 25 2005

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. SUPPLEMENTAL REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT
2. COPY OF REQUEST FOR CERTIFICATE OF CORRECTION OF ISSUED PATENT AND PTO FORM 1050
3. COPIES OF DOCUMENTATION TO SUPPORT PATENTEE'S ASSERTION(S)

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

BLACK BORDERS

IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

FADED TEXT OR DRAWING

BLURRED OR ILLEGIBLE TEXT OR DRAWING

SKEWED/SLANTED IMAGES

COLOR OR BLACK AND WHITE PHOTOGRAPHS

GRAY SCALE DOCUMENTS

LINES OR MARKS ON ORIGINAL DOCUMENT

REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.